

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 22-13328
Jason Michael Boychuck	:	Chapter 13
	:	Judge Ashely M. Chan
Debtor(s)	:	*****
	:	
PNC Bank, National Association	:	Date and Time of Hearing
	:	Place of Hearing
vs	:	July 19, 2023 at 11:00 a.m.
	:	
Jason Michael Boychuck	:	
Aimee Boychuck	:	
Scott F. Waterman	:	
Respondents.	:	

**MOTION OF PNC BANK, NATIONAL ASSOCIATION FOR RELIEF FROM THE
AUTOMATIC STAY AND CODEBTOR STAY AS TO AIMEE BOYCHUCK ON FIRST
MORTGAGE FOR REAL PROPERTY LOCATED AT 670 DOE CT, LIMERICK, PA
19468 WITH 30-DAY WAIVER**

PNC Bank, National Association ("Creditor"), by and through the undersigned counsel, moves the Court pursuant to 11 U.S.C. § 362(d) for an Order granting relief from the automatic stay and pursuant to 11 U.S.C § 1301 granting relief from the codebtor stay as to Aimee Boychuck on the real property located at 670 Doe Ct, Limerick, PA 19468 ("Property"). In support of its motion, Creditor states the following:

1. Jason Michael Boychuck ("Debtor") filed a petition for relief under Chapter 13 of the Bankruptcy Code on December 12, 2022 (the "Petition Date").
2. On June 27, 2003, Debtor and Aimee Boychuck (the "Codebtor") executed a Note in the original amount of \$168,495.00 (the "Note"). A copy of the Note is attached hereto as Exhibit A.

3. To secure the Note, a Mortgage was given June 27, 2003, and recorded July 3, 2003. A copy of the Mortgage and Merger Documents are attached as Exhibit B, evidencing perfection of Creditor's security interest in the Property which is more particularly described in the Mortgage.
4. There are other liens against the property as listed in Debtor's Schedule D.
5. As of June 1, 2023, the total outstanding amount due on the Note is \$114,216.75 which consists of:

Principal	\$99,886.46
Interest	\$6,763.12
Escrow Advance	\$2,457.45
Late Charges	\$117.04
Other Fees	\$170.75
Recoverable Balance	\$4,821.93
Suspense funds	\$(0.00)

6. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) and the codebtor stay pursuant to 11 USC § 1301 to proceed under applicable non-bankruptcy law to enforce its remedies and to take any and all actions necessary to accelerate the balance due on the Note, to foreclose the Mortgage in accordance with state law, to apply the net proceeds to the obligation, and to otherwise exercise its contractual and state law rights as to the Property.
7. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
 - b. Debtor and Codebtor are in default post-petition. Debtor and Codebtor have failed to make full post-petition payments for the past 3 months as of June 1, 2023 and is in default in the amount of \$4,121.22. This amount is broken down as follows:

<u>Post-Petition Payments Delinquent to Creditor</u>		
Date Range	Amount	Total
April 2023 to June 2023	\$1,421.87	\$4,265.61
Suspense: \$(144.39)		
Total: \$4,121.22		

8. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.
9. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of an Order Granting Relief from the Automatic Stay and the Codebtor Stay.

Respectfully submitted,

/s/ Adam B. Hall

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Attorneys for Creditor
The case attorney for this file is Adam B. Hall.
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CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Motion of PNC Bank, National Association for Relief from the Automatic Stay and Codebtor Relief as to Aimee Boychuck on First Mortgage for Real Property located at 670 Doe Ct, Limerick, PA 19468 with 30-day waiver was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

SCOTT F. WATERMAN [Chapter 13], Chapter 13 Trustee, ECFMail@ReadingCh13.com

BRAD J. SADEK, Attorney for Jason Michael Boychuck, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Jason Michael Boychuck and Aimee Boychuck, 670 Doe Court, Limerick, PA 19468

CamCo Home Owners Association, 501 W Office Center Drive, Fort Washington, PA 19034

Wilmington Saving Funds Society, 300 Delaware Avenue, Suite 714, Wilmington, DE 19801

/s/ Adam B. Hall
